

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15-cv-00006-FDW-DSC**

ALBERT HERBERT,)
)
)
Plaintiff,)
)
)
v.)
)
HORIZON COACH LINE,)
)
)
Defendant.)
)

ORDER

THIS MATTER is before the Court on an initial review of Plaintiff's complaint and Plaintiff's Application to Proceed in District Court without Prepaying Fees or Costs ("Application"). (Doc. No. 2).

Plaintiff has filed a complaint under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq., alleging he was terminated from his position as a bus driver with the defendant company. Plaintiff alleges that in terminating him, the defendant discriminated against him on the basis of his race, sex, and age. Plaintiff contends that he filed a charge with the Equal Employment Opportunity Commission (EEOC) on October 20, 2014, and that he was issued a Notice of Right to Sue letter by the EEOC on November 14, 2014. (3:15-cv-00006, Doc. No. 1 at 2-3).

Plaintiff's complaint suffers from a few deficiencies. First, Plaintiff does not identify either his age or his race in the complaint. Second, Plaintiff has failed to attach a copy of his charge to the EEOC or the Notice of Right to Sue letter from the EEOC. See Evans v. Techs. Applications & Serv. Co., 80 F.3d 954, 962-63 (4th Cir. 1996) ("The allegations contained in the

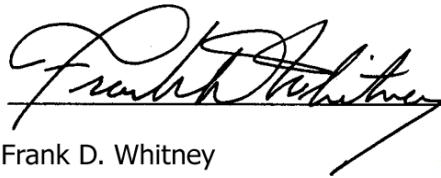
administrative charge of discrimination generally operate to limit the scope of any subsequent judicial complaint.”) (internal citation omitted). “Only those discrimination claims stated in the initial charge, those reasonably related to the original complaint, and those developed by reasonable investigation of the original complaint may be maintained in a subsequent Title VII lawsuit.” Id. (internal citation omitted).

Plaintiff is directed to file a copy of the charge to the EEOC and the Notice of the Right to Sue letter provided by the EEOC with the Clerk within twenty (20) days from entry of this Order and he is encouraged to amend his complaint to provide identifying information about his race and his age.

IT IS, THEREFORE, ORDERED that Plaintiff has twenty (20) days from entry of this Order in which to file with the Clerk the Notice of Charge that he submitted to the EEOC and the Notice of the Right to Sue letter which he contends the EEOC served upon him. Failure to comply with this Order may result in dismissal of this action and without further notice.

IT IS SO ORDERED.

Signed: January 12, 2015



Frank D. Whitney
Chief United States District Judge

